

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**EDWARD ALLEN ALLEY,**  
**Plaintiff,**

**v.**

**NEW RIVER VALLEY  
REGIONAL JAIL,  
Defendant.**

)  
) **Civil Action No. 7:15cv00056**  
)

) **MEMORANDUM OPINION**  
)

) **By: Norman K. Moon**  
) **United States District Judge**

Plaintiff Edward Allen Alley, a Virginia inmate proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983, naming only the “New River Valley Regional Jail” as a defendant. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988). As a jail is not a “person” subject to suit under § 1983, Alley cannot maintain this action against the defendant jail. *See McCoy v. Chesapeake Correctional Center*, 788 F. Supp. 890 (E.D. Va. 1992). Therefore, I will dismiss this action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

**ENTER:** This 19<sup>th</sup> day of February, 2015.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE